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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/974,525	10/10/2001	Koji Ashizaki	7217/65713	1349
530	7590	08/18/2006	EXAMINER	
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			O'CONNOR, GERALD J	
			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 08/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/974,525	<b>Applicant(s)</b> Ashizaki et al.	
	<b>Examiner</b> O'Connor	<b>Art Unit</b> 3627	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on June 12, 2006 (RCE) and May 18, 2006 (Amdt).
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9, 11-20, and 22 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-20, and 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on October 10, 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 18, 2006 has been entered.

### ***Preliminary Remarks***

2. This Office action responds to the amendment and arguments filed by applicant on May 18, 2006 in reply to the previous Office action on the merits, mailed December 14, 2005.

3. The amendment of claims 1 and 12 by applicant in the reply filed on May 18, 2006 is hereby acknowledged.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-9, 11-20, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over von Rosen et al. (US 6,493,677), in view of Weder (US 6,444,072), and further in view of Simpson et al. (US 6,466,205).

Von Rosen et al. discloses a merchandise order receiving system and method comprising: an order controlling apparatus (34) connected with a plurality of communication terminals (32); an image storing apparatus (100) for storing character information and/or image information; a charging and settlement apparatus (36); an order receiving apparatus (34); a print out apparatus (40; 46); a merchandise assembling apparatus (50); a merchandise shipping terminal (52); and, an image processing apparatus generating a preview display of the image(s).

Von Rosen et al. fails to disclose the use of printing hologram or holographic stereogram as printed matter. However, Weder teaches the use of printing holographic images on merchandise (see paragraph bridging columns 5-6).

Von Rosen et al. also fails to disclose extracting the series of images from an image string to produce the hologram or holographic stereogram. However, Simpson et al. teaches extracting a series of images from an image string to produce a hologram or holographic stereogram.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify von Rosen et al. with holographic images on merchandise as taught by Weder, and to extract the series of images from an image string to produce the hologram or holographic stereogram as taught by Simpson et al., because holographic images are

attractive coverings for merchandise, and because an image string is a convenient form in which to store the multiple images necessary to produce the hologram or holographic stereogram.

Von Rosen et al. fails to explicitly disclose an image storing apparatus connected by a separate network to the order controlling apparatus. In the device of von Rosen et al., the image storing apparatus is the located within the image storing apparatus.

The Examiner takes official notice that it is old and well known to divide processing elements connected by local area networks.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify von Rosen et al. with an image storing apparatus separate from the ordering controlling apparatus is well known in the art, because providing dedicated hardware/software for various aspects of the business processing allows more efficient use of hardware/software that is focused on fewer specific tasks.

### ***Response to Arguments***

6. Applicant's arguments filed May 18, 2006 have been fully considered but they are not deemed persuasive.

7. The arguments regarding the previous prior art rejections have been considered, but have been rendered moot by applicant's amendment, and the consequent new grounds of rejection.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to the disclosure.

9. Any inquiry concerning this communication, or earlier communications, should be directed to the examiner, **Jerry O'Connor**, whose telephone number is **(571) 272-6787**, and whose facsimile number is **(571) 273-6787**.

The examiner can normally be reached weekdays from 9:30 to 6:00.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Mr. Alexander Kalinowski, can be reached at **(571) 272-6771**.

Official replies to this Office action may be submitted by any **one** of fax, mail, or hand delivery. **Faxed replies are preferred and should be directed to (571) 273-8300**. Mailed replies should be addressed to "Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450." Hand delivered replies should be delivered to the "Customer Service Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314."

GJOC

August 15, 2006

 8/15/06

Gerald J. O'Connor

Primary Examiner

Group Art Unit 3627